

PRESTON BERMAN  
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Plaintiff, appearing Pro Se

UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
EUGENE DIVISION

**PRESTON BERMAN,**

Plaintiff,

v.

**PSYCHIATRIC SECURITY REVIEW BOARD;**  
and **ALISON BORT** in her official capacity as  
*Executive Director of the Oregon Psychiatric  
Security Review Board,*

Defendants.

Case No: 6:24-cv-01127-MK

**DECLARATION OF PRESTON  
BERMAN IN SUPPORT OF  
PLAINTIFFS OPPOSITION TO  
DEFENDANTS MOTION TO DISMISS**

I, Preston Berman, Plaintiff in the above-captioned case, hereby declare under penalty of perjury and make the following declaration in support of the OPPOSITION TO DEFENDANTS MOTION TO DISMISS:

1. I am currently a patient at the Oregon State Hospital under the jurisdiction of the PSRB and I am representing myself Pro Se.
2. I am diagnosed with Bipolar Disorder and qualify for protections under Title II of the ADA.
3. Despite professional assessments indicating I am a low risk for fire setting recidivism and suitable for community-based treatment, the PSRB continues to confine me in a highly restrictive institutional setting.
4. The recent amendments to OAR 859-010-0005, which eliminate the requirement for a causal link between mental illness and dangerousness, violate my Due Process rights under the 14th Amendment.
5. My treatment team supports my placement in a community setting, ideally with my family in Florida, where I have strong support and a less restrictive environment.
6. I respectfully request the court to deny DEFENDANTS MOTION TO DISMISS ECF No. 23.

**I declare under penalty of perjury that the foregoing is true and correct.**

EXECUTED on August 21, 2024.

Respectfully submitted,

*s/ Preston Berman*  
PRESTON BERMAN  
2600 Center St. NE  
Salem, OR 97301-2669  
Telephone: (503) 947-2704

Plaintiff, appearing Pro Se

**CERTIFICATE OF SERVICE**

I certify that on August 21, 2024, I served the foregoing DECLARATION OF PRESTON BERMAN IN SUPPORT OF PLAINTIFFS OPPOSITION TO DEFENDANTS MOTION TO DISMISS upon the parties hereto by the method indicated below, and addressed to the following:

ELLEN F. ROSENBLUM  
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Attorneys for Defendants

HAND DELIVERY  
 MAIL DELIVERY  
 OVERNIGHT MAIL  
 TELECOPY (FAX)  
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 E-SERVE

DATED: August 21, 2024.

Respectfully submitted,

*s/ Preston Berman*  
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Plaintiff, appearing Pro Se